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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,937	08/02/2001	Stefan P. Dennis	6277	2937

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Samuels Gauthier & Stevens
Suite 3300
225 Franklin Street
Boston, MA 02110

EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/857,937

Applicant(s)

DENNIS ET AL.

Examiner

James R Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-11 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Drawings***

Figure 1A and 1B identified as prior art in the specification should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the curved slots (claim 12) in the embodiment with the shaft and complementarily curved engaging clamping member as described in claim 18, which is the species of figure 10, and the supporting surface including one or more pulley shafts (claim 16) in the embodiment with the shaft and complementarily curved engaging clamping member as described in claim 18, which is the species of figure 10, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the number of preliminary amendments either prior to entry is so

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great and the changes so numerous that error is easy to develop in the printing process should this case move to issue.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unknown how the supporting surface including one or more pulley shafts (claim 16) in the embodiment with the shaft and complementarily curved engaging clamping member as described in claim 18, which is the species of figure 10, is configured since figure 10 doesn't show the supporting surface of the upper clamping member as being one or more pulley shafts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber (US 3099055) in view of Laurisin (US 2079457).

Huber (figures 1-6) teaches webbing tie down assembly structure including an inner frame 20 and an outer frame 16. There are two clamping members 18, 23. One of the clamping members 18 is a cylindrical shaft. There is a tensioning mechanism in the placement of the slots 22 for the clamping member 18 that allow it to move slightly so as to further tension the webbing. The difference is that the clamping member 23 does not have a complementary shape to the cylindrical shaft 18. However, the use of complementary shapes so that the clamping effect is enhanced is well known in the buckle art and Laurisin (figures 5, 6) teaches that it is well known to provide the clamping surface of the frame 19 with a concave curvature to match the shaft 12 so as to better secure the webbing. As to claim 7, the supporting surfaces of the clamping member 23 of Huber and 19 of Laurisin are configured to prevent undue tension supported thereby.

Claims 8-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber (US 3099055) in view of Laurisin (US 2079457) as applied to claim 7 above, and further in view of Arnold (US 2852827).

Further modification of the tensioning device of Huber so that the cylindrical shaft 18 mounted on the pin is clearly a roller would have been obvious in view of Arnold (figure 5) in which the cylindrical clamping member 21 is a roller (col. 3, line 5) so as to better provide for webbing adjustment.

Claims 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber (US 3099055) in view of Laurisin (US 2079457) as applied to claim 18 above, and further in view of Zimmerman (US 951355).

Further modification of the tensioning device of Huber so that the hook is mounted to the frame at a pair of securing points would have been obvious in view of Zimmerman (figures 1, 2, 7) in which the hook 31 is mounted to the frame of the tightener structure by two pins 34 extending through spacers 35 so as to better secure the hook 31 to the frame. As to claim 17, the particular choice of a radius of curvature being a minimum of 6.35 mm is seen as a matter of choosing dimensions and the devices of Huber and Laurisin would function equally as well.

Allowable Subject Matter

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Harley (figures 1-3), Kurita et al. (figures 1, 2, 6), Van Noy et al. (US 5371926) and DE 29622048 teach pertinent buckle structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R Brittain
Primary Examiner
Art Unit 3677

JRB
May 20, 2002